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Attorneys for Plaintiffs, TOMAS BARRERA, SR., individually and as a Personal Representative of THE ESTATE OF TOMAS BARRERA, JR.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

MARIA LAZOS, et al,

Plaintiff,

vs.

CITY OF OXNARD, et al,

Defendants.

TOMAS BARRERA, SR.

Plaintiff,

vs.

CITY OF OXNARD, et al,

Defendants.

Case No. CV 08-02987 RGK (SHx)

PLAINTIFFS' MOTION IN LIMINE  
NO. 8 TO EXCLUDE REFERRING TO  
DECEDENT AS "SUSPECT" OR  
"DEFENDANT" IN A CRIMINAL  
CONTEXT

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiffs, MARIA LAZOS and TOMAS BARRERA, SR., individually and as representatives of the ESTATE OF TOMAS BARRERA, hereby move this Court for an order excluding Defendants, their experts and witnesses from referring to decedent as a "suspect" or as a "defendant" in a criminal context.


This motion is made under Fed. R. Ev. 401, 402 and 403, and is based upon the ground that the evidence is irrelevant and that its probative value is substantially

1 outweighed by the danger of undue prejudice to Plaintiff.

2 This motion is further based on the attached Memorandum of Points and  
3 Authorities, the pleadings and papers on file in this action and upon such of argument  
4 and evidence as may be presented prior to or at the hearing of this motion.  
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6 Dated: June 26, 2009

LAW OFFICES OF GREGORY A. YATES, P.C.

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GREGORY A. YATES  
Co-Counsel for Plaintiffs,  
9 TOMAS BARRERA, SR., individually and as a  
10 Personal Representative of THE ESTATE OF  
TOMAS BARRERA, JR.

11 Dated: June 26, 2009

LAW OFFICES OF JENNY SCOVIS

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14 JENNY SCOVIS  
15 Counsel for Plaintiff,  
16 MARIA LAZOS, individually and as a Personal  
Representative of THE ESTATE OF TOMAS  
BARRERA, JR.  
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**MEMORANDUM OF POINTS AND AUTHORITIES**

**I.**

**ANY REFERENCE TO DECEDENT AS A "SUSPECT" OR "DEFENDANT" IN A CRIMINAL CONTEXT SHOULD BE EXCLUDED AS BEING NOT RELEVANT AND HIGHLY PREJUDICIAL**

Referring to decedent as a "suspect" or "defendant" in a criminal context would not prove or disprove any fact necessary to this action and will add absolutely nothing significant or valuable to the evidence. F.R.E. 401 and 402. It will, on the other hand, be highly prejudicial to Plaintiffs, as it would depict decedent as a felon or criminal, and will arouse the jury's prejudice, hostility and antipathy.


**II.**

**CONCLUSION**

Based on the above, it is respectfully requested that the Court exclude Defendants, their experts and witnesses from referring to decedent as a "suspect" or as a "defendant" in a criminal context.


Dated: June 26, 2009

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GREGORY A. YATES  
Co-Counsel for Plaintiffs,  
TOMAS BARRERA, SR., individually and as a  
Personal Representative of THE ESTATE OF  
TOMAS BARRERA, JR.

Dated: June 26, 2009

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JENNY SCOVIS  
Counsel for Plaintiff,  
MARIA LAZOS, individually and as a Personal  
Representative of THE ESTATE OF TOMAS  
BARRERA, JR.